

CHAPTER 130: GENERAL OFFENSES

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OFFENSES AGAINST PUBLIC SAFETY

130.01 AIR GUNS OR COMPRESSED GAS DEVICES, PROJECTILES

- (a) The firing or use of any gun, revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any airgun, BB-gun, gas operated gun or spring gun, or any instrument, toy or weapon, commonly known as a "slingshot" or "Beanie", or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument has been called by any name set forth above or by any other name, or the launching of any object or projectile by means of compressed gas or air, or by mechanical device within the corporate limits of the city by any person who recklessly, knowingly, or intentionally creates a substantial risk of bodily injury to another person or damage to another person or injury or death to an animal is prohibited.
- (b) No items listed in paragraph (a) above shall be stored or transported in the passenger compartment of any motor vehicle or any area readily accessible to the passengers and/or the operator of the vehicle. Any person carrying on foot, or other than while in a motor vehicle, any item listed in (a) above, shall transport it in an unloaded state and in an appropriate case. Duly authorized law enforcement officials shall be exempt

from the provisions of this paragraph. The provisions of any valid license or permit shall also be exempt of this paragraph.

(c) Every person convicted of a violation of this section shall forfeit to the City such weapon or other object so used.

(d) Any person owning a gun, airgun, pellet gun, or mechanical device or any other object prohibited by paragraph (a) above who permits another person to fire or use the gun or device or as to allow the person other than the owner to be guilty of a violation of paragraphs (a) or (b) above shall be guilty of that violation also.

(e) Any person who is found guilty of the violation of paragraphs (a), (b) or (c) above shall forfeit all right to ownership of any gun, airgun, pellet gun, or other device used in the violation of this section.

(f) The first violation of this section shall subject the offender to a fine of one hundred dollars (\$100) payable in the City Clerk's office in addition to forfeiture of the gun or other device. Any person who shall commit a second or more violation of this section shall be cited in court by the police officer and upon conviction for violation of this section shall be fined in an amount of not less than two hundred fifty dollars (\$250.00) or more than one thousand dollars (\$1,000.00).

(g) Disposition of confiscated weapon

Every police officer, upon making any arrest and taking a weapon used in violation of this section, shall deliver the weapon to the Court or other official designated by either the court or the Board of Public Works and Safety to be held by him until the final determination of the prosecution for said offense, and upon the finding of guilt, it shall then be the duty of said judge or other official to deliver said weapon forthwith to the Chief of Police who shall make disposition of the weapon in accordance with any applicable legal provisions.

(h) Report of treatment of wounds

Every physician or surgeon duly admitted to the practice of medicine or surgery in the State of Indiana, whenever he or she shall treat any person in the City for a wound inflicted by a dangerous or deadly weapon of any kind, shall notify the city Police Department within one hour of the time when he or she rendered such professional service or is called upon to render the same.

(i) It shall be unlawful to discharge any firearm or airgun, BB gun, or any toy gun projecting lead or any missiles excepting in a regularly licensed shooting gallery; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor to any citizen from discharging a firearm when lawfully defending person or property.

(j) Nothing in this section shall prohibit the Board of Public Works and Safety from designating certain locations within the City as areas wherein archery sessions may be held, upon proper petition to the Board by the person or group requesting such designation. Any petitioner shall show to the Board evidence of the following in a manner satisfactory to the Board.

(1) Name and address of person or group requesting designation of an archery session area

(2) Location of area to be designated

(3) Name, address and telephone number of individual person(s) who shall be responsible for monitoring, supervising and administering the area during an archery session and are capable and qualified to properly monitor and supervise the archery sessions

(4) Evidence of liability insurance to protect life and property in an amount approved by the Board

(5) A written agreement to indemnify and hold harmless the City of Richmond, its employees and agencies from any liability for injury, damage or claims arising out of the designation and use of a location for archery sessions

(6) Consent from the Police Department and residents of immediately adjoining properties. Such designations shall be effective for one year and may be renewed upon proper petition. This section shall not affect the provisions of Section 95.18 of the City Code, as it pertains to city parks.

(k) Any retail establishment which offers for sale to the general public any of the devices listed in paragraph (a) above shall post a copy of this ordinance in a prominent place, or, in the alternative, make copies of this ordinance available to purchasers of such devices. (Ord. 153-1984)

130.02 FALSE ALARMS

No person shall falsely report any fire, or set off any fire alarm of the city except for the purpose of actually reporting a fire. ('72 Code, 43.05) (Ord. 1153-1937) Penalty, see 10.99

130.03 FIREWORKS

(a) No person shall display, sell, or offer for sale within the city, any firecracker, torpedo, skyrocket, Roman candle, or any other kind of fireworks.

(b) No person shall discharge or explode any firecracker, torpedo, bomb, skyrocket, Roman candle, blank cartridge, or any other kind of fireworks within the city. However, in case of any public celebration, the Mayor may grant any person or organization the right to discharge fireworks on such conditions as the Mayor may deem safe and proper. ('72 Code, 43.04) (Ord. 968-1930) Penalty, see 10.99

130.05 METER READERS

Every person employed by any utility in the city whose duties require him to go on or into the premises of any resident of the city, for the purpose of inspecting pipes or wires of the company, or taking or reading any water, gas, or electric light meter, shall, when employed about the business, wear on the lapel of his coat or otherwise exposed to plain view, a badge with the character of his employment or business plainly painted or lettered thereon, and shall also carry with him a certificate, certifying to his authority to act, which certificate shall be signed and attested by the seal of the company. ('72 Code, 43.13) (Ord. 217-1910) Penalty, see 10.99

130.06 THROWING STONES

- (a) No person shall throw any stone, snowball or any other missile upon or at any vehicle, building, tree or other public or private property or upon or at any person in any public or private way or place or enclosed or unenclosed ground, nor injure or frighten any bird or birds within the city, or throw any stones or other missiles where they might injure any person or property.
- (b) It shall be a defense to Sections 130.01 (a) and 130.06(a) in a situation involving snowballs if the thrower and the designated target of a snowball have consented to or have mutually engaged in the throwing of snowballs. No snowballs shall, in any event, contain stones or other hard objects within them. (Ord. 153-1984)

130.07 UNUSED REFRIGERATORS

- (a) No person shall store, place, or permit any discarded, abandoned, or unused icebox, refrigerator, or similar container of an airtight character in any place where it is accessible to children without first removing and rendering completely inoperable all catches or locks on the exterior of all doors so as to prevent any person or child from becoming imprisoned therein.
- (b) This section shall not apply to the delivery, transfer, or removal of any icebox, refrigerator, or container from one location to another while in transit, provided the icebox, refrigerator or container is not left unattended for longer than 15 minutes at any one time, and shall be checked for the presence of persons or children therein. ('72 Code, 43.07) (Ord. 1492-1953) Penalty, see 10.99

130.08 OPEN CISTERNS, WELLS AND SEPTIC TANKS

- (a) All cisterns, wells, septic tanks, pits or other storage areas for the disposal or storage of liquids, sewage or other waste, unless otherwise authorized by law, must be completely and securely covered and sealed in such a manner as to prevent access by children, animals, and debris and to prevent escape to the ground surface of any liquid, sewage or other waste contained therein.
- (b) Failure to conform to this section of the Code shall result in the imposition of a five hundred dollar (\$500.00) fine to the property owner upon whose property such a non-conforming cistern, well, septic tank or pit exists. In addition to such fine, the Board of Public Works & Safety, upon proper petition by its authorized officials, and after notice to the property owner and hearing before the Board, may order such corrective action be

performed as is necessary to bring such a cistern, well, septic tank or pit into compliance with Section 130.08 (a) above. The cost incurred as a result of such action shall be assessed as a lien upon the property owner's land within the city. (Ord. 39-1985)

130.09 CURFEW

Children 15 through 17 years of age; requirements for detention or custody. Indiana Code Section 31-37-3-2

Sec. 2. (a) It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

- (1) between 1 a.m. and 5 a.m. on Saturday or Sunday;
 - (2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
 - (3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.
- (b) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:
- (1) the child has violated this section; and
 - (2) there is no legal defense to the violation.

Children less than 15 years of age; requirements for detention or custody. Indiana Code Section 31-37-3-3

Sec. 3. (a) It is a curfew violation for a child less than fifteen (15) years of age to be in a public place after 11 p.m. or before 5 a.m. on any day.

- (b) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:
- (1) The child has violated this section; and
 - (2) There is no legal defense to the violation.

The other compromise is that a child can be out after curfew if they have written permission from a parent or guardian (see below – I.C. 31-37-3-3.5(b)(4)).

Defenses Indiana Code 31-37-3-3.5

Sec. 3.5 (a) It is a defense to a violation under this chapter that the child was emancipated;

- (1) under I.C. 31-37-19-27 or IC 31-6-4-15.7 (before its repeal);
- (2) by virtue of having married; or
- (3) in accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.

(b) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

- (1) accompanied by the child's parent, guardian, or custodian;
 - (2) accompanied by an adult specified by the child's parent, guardian, or custodian;
 - (3) participating in, going to, or returning from:
 - (A) lawful employment
 - (B) a school sanctioned activity;
 - (C) a religious event;
 - (D) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
 - (F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
 - (4) participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or
 - (5) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.
- (e) Penalties.

The custodial parent or legal guardian of any child who commits a curfew ordinance violation, as defined herein, violates this article and shall be subject to the following fines:

- (1) Twenty-five dollars (\$25.00) for a first offense;
- (2) One hundred dollars (\$100.00) for a second offense within a one-year period; or
- (3) Two Hundred dollars (\$200.00) for a third offense and every subsequent offense within a one-year period.

OFFENSES AGAINST PROPERTY

130.15 FIRE HYDRANTS AND EQUIPMENT

- (a) No person shall deposit or cause to be deposited any obstruction within ten feet of any fire hydrant.
- (b) No unauthorized person shall open any fire hydrant or in any manner injure or tamper with any fire hydrant.
- (c) No person, for the purpose of opening or closing any fire hydrant, or for any other purpose, shall use a wrench thereon other than the regulation pentagon or five-sided wrench.

(d) No unauthorized person shall take water from any fire hydrant for domestic, business, or any other use.

(e) No person shall sprinkle any lawn, street, walk, or use a hand hose for any other purpose during the time of a fire.

(f) No person shall drive over a fire hose with a vehicle, or tamper with any fire equipment of the city. ('72 Code, 43.06) (Ord. passed 8-20-1894; Am. Ord. 1153-1937) Penalty, see 10.99

130.16 PAINTING OR POSTING ADVERTISEMENTS OR BILLS

No person shall paint, mark, post, or in any way affix to or on any curb, sidewalk, street, sign post, utility pole, or tree or any street, pavement, monument, fountain, fire hydrant, or lamp post, any sign, bill, notice, or announcement, or other advertising medium. This does not apply to any legal notice or announcement required to be made or given by any officer under any law of this state, or any ordinance of this city, nor to the marking of any pole or post by permission of the Board of .Public Works and Safety by appropriate sign so as to properly preserve or designate the ancient course of an historical way, road, or public thoroughfare. ('72 Code, 43.01) (Ord. passed 8-12-1895; Ord. 379-1914) Penalty, see 10.99

130.17 TRESPASSING ON RAILROAD BRIDGE

Any person not a passenger on any railroad train, or not in the employ of any railroad company, shall not cross or attempt to cross the Whitewater River on the railroad bridge over the river, or be on the bridge, or any part thereof. ('72 Code, 43.08) (Ord. passed 3-1-1880) Penalty, see 10.99

OFFENSES AGAINST PEACE

130.25 HORNS ON VEHICLES

The operator of any vehicle shall not sound any horn or other warning device except when reasonably necessary for the prevention of an accident. ('72 Code, 43.10) (Ord. 1215-1940) Penalty, see 10.99

130.26 LOITERING

(a) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "LOITERING" - Remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression hanging around.

(2) "PUBLIC PLACE" - Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other

places of business as well as public grounds, areas, parks, schools, or school grounds.

(b) It shall be unlawful for any person to loiter, loaf, wander, stand, or remain idle either alone or in consort with others in a public place in such a manner as to do the following.

(1) Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering, impeding, or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.

(2) Commit in or on any public street, public highway, public sidewalk, or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in, on, facing, or fronting on any public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto. (Ord. 6-1981) Penalty, see 10.99

130.27 NOISE CONTROL

(a) General prohibition

No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific prohibitions listed in the following section.

(b) Specific prohibitions

(1) No person shall operate a device for the amplification of sound where the sound is emitted directly into the public streets, ways or parks, either for the purposes of advertising, personal fulfillment or attracting attention, so loudly that the sound emitted can be heard to the annoyance or discomfort of persons in passing or stopped vehicles, neighboring premises, or such public streets, ways or parks.

(2) No person shall operate a radio, television set, musical instrument, tape, compact disc or phonograph record player, amplifier and similar device in such a manner as to be plainly audible beyond the sound source's property boundaries or through walls common to two or more dwelling units within a building. This includes, but is not limited to, the operation of such devices from or within vehicles. (Ord. 21-1998)

(3) No person shall operate a domestic power tool outdoors between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on weekends and holidays in such a manner that will disturb or annoy any reasonable person nearby.

(4) No person shall operate a tool or equipment used in construction, drilling, or demolition between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m.

and 8:00 a.m. on weekends and holidays in such a manner that will disturb or annoy any reasonable person nearby.

(5) No person shall operate a horn or other audible signal device on any motor vehicle or motorcycle in such a manner that will disturb or annoy any reasonable person nearby provided that this provision shall not apply to an emergency vehicle operated by an ambulance service or governmental unit.

(6) No person shall participate in any party or gathering between the hours of 11:00 p.m. and 7:00 a.m. giving rise to noise that is plainly audible beyond the sound source's property boundaries or through walls common to two or more dwelling units within a building.

(7) No person shall operate a motorcycle or motor vehicle in such a manner which causes excessive noise as a result of a defective or modified exhaust system or as a result of unnecessary acceleration, deceleration, engine revving, or tire squealing.

(8) No person shall operate a sound amplification device in such a manner as to cause vibrations perceptible without the aid of instruments beyond the sound source's property boundaries. This includes, but is not limited to, the operation of such devices from or within vehicles. (Ord. 21-1998)

(9) No person shall yell, shout, hoot, whistle or sing in the public streets so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence.

(10) No person shall keep an animal which causes frequent or continued noise that disturbs the comfort or repose of persons in any dwelling, hotel or other type of residence.

(c) Exemptions and permits

(1) The provisions set forth in Sections 130.27(a) and 130.27(b) shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of work to prevent or alleviate physical or property damage threatened or caused by calamity or other exceptional circumstances. (Ord 21-1998)

(2) The Board of Public Works and Safety shall have the authority to issue permits for the following situations notwithstanding the foregoing prohibitions.

(A) Holidays, celebrations, concerts, parades, or other special events, both public and private.

(B) Persons who demonstrate that the foregoing prohibitions constitute an unreasonable hardship due to temporary circumstances.

(C) Permits may contain any conditions that are necessary to minimize the adverse impact of the activity including a time limit.

(D) Non compliance with any condition of a permit shall terminate the permit and subject the person holding same to the provisions of this Code.

(E) The Board of Public Works and Safety may issue guidelines defining the procedures to be followed in applying for a permit and the criteria to be considered in the issuance of a permit.

(d) Penalties

(1) Any person owning a motor vehicle with sound amplification devices which violate the foregoing prohibitions shall be in violation of this code as well as the operator of such devices.

(2) Any person found in violation of Sections 130.27(a) and 130.27(b) of this Code shall be fined \$50.00. (Ord. 21-1998)

(3) Each day that a violation occurs shall constitute a separate offense. (Ord. 88-1994)